

DECLARATION, POWER OF ATTORNEY, AND PETITION

I, a below named inventor, depose and say that: (1) my residence, citizenship, and mailing address are indicated below; (2) I have reviewed and understand the contents of attached specification, including the claims, as amended by any amendment specifically referred to herein, (3) I believe that I am the original, first, and sole inventor or discoverer of the invention or discovery in

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described and claimed therein and for which a patent is sought; and (4) this application in part discloses and claims subject matter disclosed in my earlier filed provisional patent application, Serial No. 60/049572 filed June 13, 1997, and claims priority to that application; (5) I hereby acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56.*; and (6) I hereby acknowledge my duty to disclose to the Patent and Trademark Office material information as defined in Title 37, Code of Federal Regulations, §1.56.* which occurred between the filing date of said earlier application and the filing date of this application.

No application for patent or inventor's certificate on said common or said non-common subject matter has been filed by me or my representatives or assigned in any country foreign to the United States of America, except as follows:

I hereby appoint Gregory D. Allen (Reg. No. 35,048), Scott A. Bardell (Reg. No. 39,594), Stephen W. Bauer (Reg. No. 32,192), Dale A. Bjorkman (Reg. No. 33,084), Jennie G. Boeder (Reg. No. 28,952), William J. Bond (Reg. No. 32,400), Warren R. Bovee (Reg. No. 26,434), Stephen W. Buckingham (Reg. No. 30,035), John A. Burtis (Reg. No. 39,924), Paul W. Busse (Reg. No. 32,403), Gerald F. Chernivec (Reg. No. 26,537), James D. Christoff (Reg. No. 31,492), David R. Cleveland (Reg. No. 29,524), Philip Y. Dahl (Reg. No. 36,115), Janice L. Dowdall (Reg. No. 31,201), Lisa M. Fagan (Reg. No. 40,601), Gregory J. Feulner (Reg. No. P-41,744), Darla P. Fonseca (Reg. No. 31,783), John A. Fortkort (Reg. No. 38,454), Richard Francis (Reg. No. 25,393), Melanie G. Gover (Reg. No. P-41,793), Gary L. Griswold (Reg. No. 25,396), Doreen S. L. Gwin (Reg. No. 35,580), H. Sanders Gwin (Reg. No. 33,242), Michael A. Hakamaki (Reg. No. 40,011), Karl G. Hanson (Reg. No. 32,900), Nester F. Ho (Reg. No. 39,460), Jeffrey J. Hohenshell (Reg. No. 34,109), Robert W. Hoke (Reg. No. 29,226), John H. Hornickel (Reg. No. 29,393), MarySusan Howard (Reg. No. 38,729), Stephen C. Jensen (Reg. No. 35,207), Robert H. Jordan (Reg. No. 31,973), Harold C. Knecht (Reg. No. 35,576), Charles D. Levine (Reg. No. 32,477), Douglas B. Little (Reg. No. 28,439), Eloise J. Maki (Reg. No. 33,418), Lisa M. McGeehan (Reg. No. 41,185), Matthew B. McNutt (Reg. No. 39,766), Michelle M. Michel (Reg. No. 33,968), William D. Miller (Reg. No. 37,988), Peter L. Olson (Reg. No. 35,308), Daniel R. Pastirik (Reg. No. 33,025), David B. Patchett (Reg. No. 39,326), Carolyn V. Peters (Reg. No. 33,271), Terryl K. Qualey (Reg. No. 25,148), Ted K. Ringsred (Reg. No. 35,658), James A. Rogers (Reg. No. 37,228), Daniel C. Schulte (Reg. No. 40,160), Leland D. Schultz (Reg. No. 30,322), Steven E. Skolnick (Reg. No. 33,789), Robert W. Sprague (Reg. No. 30,497), Brian E. Szymanski (Reg. No. 39,523), James J. Trussell (Reg. No. 37,251), F. Andrew Ubel (Reg. No. 36,704), and Lucy C. Weiss (Reg. No. 32,834), Ann M. Muetting (Reg. No. 33,977) my attorneys and/or agents with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the Patent and Trademark Office connected therewith; the mailing address and the telephone number of the above-mentioned attorneys and/or agents are

Attention: David R. Cleveland
3M Office of Intellectual Property Counsel
P.O. Box 33427
St. Paul, Minnesota 55133-3427
Telephone No. 612-733-0616

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

*Title 37, Code of Federal Regulations, §1.56 is attached.

Wherefore, I pray for grant of Letters Patent for the invention or discovery described and claimed in the attached specification and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition, on the day set forth below.

Mark D. Purgett 6-12-98
 Mark D. Purgett Date

Residence: Oakdale, Minnesota, USA
 Citizenship: United States of America
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David C. May 6/12/98
 David C. May Date

Residence: Hudson, Wisconsin, USA
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Mark D. Zender 6-12-98
 Mark D. Zender Date

Residence: White Bear Lake, Minnesota, USA
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Daniel J. Willie 6/12/98
 Daniel J. Willie Date

Residence: Minneapolis, Minnesota, USA
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Thomas R. Borden 6-12-98
 Thomas R. Borden Date

Residence: Oakdale, Minnesota, USA
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§1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark D. Purgett, David C. May, Mark D. Zender,
Daniel J. Willie and Thomas R. Borden

Group Art Unit:

Serial No.:

Filed: October 27, 2000

Examiner:

For: LIQUID PAVEMENT MARKING COMPOSITIONS

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:

Date: October 27, 2000

Colleen M. Wagner
Signature

ASSOCIATE POWER OF ATTORNEY

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Kindly appoint as Associate Attorney in the above-identified application Carolyn A. Fischer, Registration No. 39,091, telephone (651) 575-3915. The correspondence address for all communications should not be changed.

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Date October 27, 2000	

Respectfully submitted,

By *Carolyn A. Bates*
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